

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for the
Pomona Valley Transfer Station
SWIS No. 19-AA-1128
July 21, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Los Angeles County Department of Public Health, Local Enforcement Agency's (LEA), request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the Pomona Valley Transfer Station, SWIS No. 19-AA-1128, located in the City of Pomona (Pomona) and owned and operated by Grand Central Recycling & Transfer Station, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on May 26, 2015. A new proposed permit was received on July 14, 2015. Action must be taken on this permit no later than September 12, 2015. If no action is taken by September 12, 2015, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

Proposed Project

The following are the key design parameters of the proposed project:

	Proposed Permit
Name & Address of Facility	Pomona Valley Transfer Station 1371 E 9 th Street Pomona, CA 91766
Name & Address of Operator & Owner	Grand Central Recycling & Transfer Station, Inc. 17445 Railroad Street Industry, CA 91748
Facility Type	Large Volume Transfer/Processing Facility
Proposed Hours/Days of Operation	Materials Receipt and Transport: 6:00 A.M. to 6:00 P.M., Monday through Friday and 7:00 A.M. to 2:00 P.M. on Saturday
	Cleaning and Maintenance: 6:00 A.M. to 10:30 P.M., Monday through Saturday
Proposed Maximum Tonnage	1,000 tons per day (TPD)
Proposed Area (acres)	10.5
Design Capacity	1,500 TPD
Waste Types	Construction/demolition, Green Materials, Industrial, Mixed Municipal, and Wood waste

Background:

The proposed new SWFP will allow for the operation of a newly constructed Large Volume Transfer/Processing Facility in Pomona, CA. The SWFP will allow for the receipt of up to 1,000 TPD of construction/demolition, green materials, industrial, mixed municipal, and wood waste. This includes an estimated 800 TPD of residential, commercial, and industrial wastes; 100 TPD of construction and demolition (C&D) debris, and 100 TPD of yard waste. The maximum design capacity of the facility is 1,500 TPD. Additional specifications are provided in the table above.

Findings:

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 26, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report is not required for a new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on July 14, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May 26, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Non-Disposal Facility Element as described in their memorandum dated June 17, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Transfer/Processing Report (TPR) will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 26, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on April 22, 2015. The LEA received 17 written public comments in response to the meeting. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permitting & Assistance Branch staff have determined that the design and operations described in the submitted TPR will allow for the proposed facility to comply with State Minimum Standards.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by Applied Planning, Inc. for the City of Pomona, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The issuance of the proposed permit would authorize the receipt of up to 1,000 TPD of construction/demolition, green materials, industrial, mixed municipal, and wood waste at a newly constructed facility on a 10.5 acre site. The permitted hours of operation would be 6:00 A.M to 6:00 P.M Monday through Friday and 7:00 A.M to 2:00 P.M on Saturday for materials receipt and transport, and cleaning and maintenance would occur from 6:00 A.M to 10:30 P.M, Monday through Saturday. These design parameters are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 2009051126, was originally circulated for a 45 day comment period from March 23 through May 6, 2010. A revised EIR was voluntarily circulated for an additional 45 days from January 28, 2011 through March 14, 2011 to correct and clarify information in an effort to provide responses to comments received during the first draft's circulation period, although the changes made were not considered "significant" under CEQA. The EIR identified significant and unavoidable impacts to the following resources:

- Traffic (Operation Only):
 - Project-related traffic impacts at the intersection of Mission Boulevard and SR-71, pending completion of required interchange improvements by Caltrans.
- Air Quality (Construction and Operation, not Odors):
 - Construction source emissions will exceed applicable South Coast Air Quality Management District (SCAQMD) localized significance thresholds (LSTs).
 - Project-related Diesel Particulate Matter (DPM)-source cancer risk significance thresholds will be exceeded at two residential receptors adjacent to the Project site.
 - Long-term operational source emissions will exceed the SCAQMD regional threshold for NOx only.
- Noise (Construction Only):
 - Noise generated by Project construction activities will temporarily and intermittently exceed the City's 65 dBA standard at an estimated three proximate residential receptors.

The Final EIR, together with the Statement of Overriding Considerations (SOC), was certified/adopted by the Lead Agency on July 16, 2012, and new findings were made for traffic and air quality. The new findings are summarized below:

- Traffic:
 - The interchange improvements at Mission Boulevard and the SR -71 Freeway have been fully completed and are now fully operational. Thus, the FEIR's conclusion that the project would contribute to a significant and unavoidable impact at SR -71 and Mission Boulevard, because of the possibility that such an improvement would not be completed by the 2011 Opening Year, is no longer accurate. Thus, this previously-identified significant and unavoidable impact is no longer a significant and unavoidable impact.
- Air Quality:
 - The Project proponent has agreed to a new design feature that prohibits all commercial diesel fleets from accessing the Project site. This design feature has also been added as a condition of approval and mitigation measure. With this new design feature, the previously identified significant and unavoidable impacts from Project-related DPM source cancer risks to the two sensitive receptors is less than significant.

The Lead Agency determined that the project benefits outweigh the adverse environmental impacts. The benefits from the project, as stated in the SOC, consist of:

1. The Project will allow for efficient transfer and disposal of municipal solid waste in the City and surrounding area, thereby reducing the number of vehicle miles currently traveled by disposal trucks and residents to other facilities in the region. Thus, the City Council finds that the Project implements State policies regarding waste handling, reduces vehicle miles traveled, and accordingly provides regional environmental benefits pursuant to CEQA Guideline 15093(a).

2. The Project enables the City, Los Angeles County and the cities within the county to more efficiently achieve current local and state-mandated waste diversion goals, thereby facilitating compliance with the Integrated Waste Management Act (IWMA) and corresponding State regulatory diversion requirements.
3. The Project, given its proximity to solid waste generators, results in relatively lower economic costs to transport refuse to the site, when compared to transporting materials to other more distant sites. These costs savings will eventually be passed on to consumers in the form of lower waste handling costs to homeowners and businesses.
4. The Project will reduce and/or eliminate the distance otherwise required for City and regional disposal trucks to travel to reach landfill and processing centers capable of handling existing volumes of municipal solid waste, thereby reducing regional air emissions and greenhouse gas emissions from fewer truck trips that would otherwise occur irrespective of the Project and thereby providing environmental benefits in the form of fewer regional air emissions, greenhouse gas emissions, wear and tear on vehicles and roads.
5. The Project will help meet anticipated demand for green waste processing using a new state-of-the-art facility following the closure of the Puente Hills Landfill in 2013.
6. The Project would expand the City and region's ability to process green and wood waste in order to promote increased recycling of such materials consistent with City, Los Angeles County, and State goals.
7. The Project will increase the number of temporary construction jobs within the City and would create 45-50 new permanent jobs, for long term operation of the Pomona Valley Transfer Station. These positions will not be created if the Project is not approved. Thus, the Project will assist the City's efforts to reduce unemployment and will provide needed jobs to the residents of the City and the region.
8. The Project will utilize state of the art technology, is expected to be LEED certified, will prohibit diesel vehicles from accessing the site, and will thus minimize environmental impacts on surrounding land uses.
9. Even without the payment of a host or franchise fee, the Project would contribute millions of dollars to the local economy over the course of time through a roughly \$2.1 million dollar payroll (45 -50 new permanent jobs at approximately \$42,182.40 per year average), and through purchases of goods and services from local vendors (estimated to be \$1,775,550 annually). City revenues would be approximately a little over \$290,000 a year when operating at full capacity. Given the systemic budget crisis facing the City which has resulted in the consideration of the closure of the City's library and cuts to the City's Fire Department, the City is in desperate need of additional revenues to fund City services.

The Project will manage municipal solid waste in an efficient and cost-effective manner consistent with the State's AB 939 mandates.

10. The Project will provide a minimum 20-year waste transfer capacity to the region to accommodate the future processing of waste generation.

11. The Project will enhance customer service and stabilize rising solid waste collection costs.
12. The Project will minimize travel distances for self-haul trucks by providing locally-available solid waste transfer operations.
13. The Project will provide a facility that maximizes solid waste management efficiencies while concurrently reducing potential environmental impacts, including, but not limited to, land use, traffic, air quality, water quality, noise, visual, and odor impacts.

Statement of Overriding Considerations:

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by the Lead Agency to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Department staff further recommends the Final Environmental Impact Report, with all other CEQA documents adopted by the Lead Agency, and with the inclusion of the Statement of Overriding Considerations, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The LEA has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final Environmental Impact Report as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on April 22, 2015, at the project site at 1371 East 9th Street, in the City of Pomona. Seventy-two members of the public were in attendance. In addition to the comments and questions during the public informational meeting, seventeen written, public comments were received by the LEA as a result of the meeting, and the LEA provided responses in writing. No additional comments have been received by the LEA or CalRecycle since April 22, 2015, the date the public informational meeting was held. The following list summarizes all public comments received and the associated LEA responses, exactly as provided by the LEA via their written summary of comments received at the informational meeting:

- 1) Comment: Why did you decide to build this facility here in Pomona?
Response: The LEA does not make decisions as to where a project will be located. Siting of facilities of this type is often the responsibility of the city where the project is being proposed. When a solid waste project is proposed, the LEA (as a Responsible Agency) reviews and provides comments to the Lead Agency in charge of the project, which in this case was the City of Pomona. For this project, the LEA reviewed and provided comments on the 2009 Initial Study and the 2010 and 2011 Draft Environmental Impact Reports circulated by the Lead Agency.
- 2) Comment: Why wasn't the meeting held at a public place?
Response: Per state regulations, the Public Informational Meeting shall be held in a suitable location not more than one (1) mile from the proposed facility. Holding the meeting at the proposed facility was considered as a suitable location and it offered interested parties an opportunity to see the interior of the site.
- 3) Comment: Very difficult to hear and the interpretation was lacking.
Response: It was not foreseen by the LEA that there was going to be an echo problem in the meeting location. The LEA representatives made efforts to speak at a higher level and walked around the room. A PowerPoint presentation was provided for visual aid. Additionally, if a question was asked in Spanish, the speakers responded in Spanish.
- 4) Comment: The increase of truck traffic will increase safety hazards to our children.
Response: The EIR included a traffic analysis which included major streets that surround the project site during peak morning and evening traffic hours that would be used to access the facility, as well as impacts associated with the vehicle traffic associated with the project. Additionally, the Final EIR responded to comments submitted by the Pomona Unified School District indicating that heavy transfer trucks accessing the Project site would travel within the City along existing designated truck routes and the project. Because the project will not cause or result in any potentially significant localized traffic impacts, potential traffic impacts along or potential traffic impacts along roads serving schools would be less than significant.
- 5) Comment: With the fact of 9 schools within 1 mile of this facility. Four hundred trucks a day for 6 days a week is definitely a safety hazard to the

community. These trucks will provide noise and pollution to the whole community; especially the operating hours are very long.

Response: The 2010 EIR analyzed the effect of Diesel Particulate Emission (DPM) for the nearest sensitive receptors. The analysis is based on South Coast Air Quality Management District (SCAQMD) standards. The nearest sensitive receptors included three schools (Washington Elementary School, Village Academy High School and Ramona Elementary School), and two non-conforming residences located East and West of the proposed facility. In order to mitigate exposure for DPM, the hours of operation were limited to 12 hours per day, occurring between the hours of 6 am and 6 pm, Monday through Friday, and 7 am to 2 pm on Saturdays. Although the EIR analyzed maintenance hours of 24 hours a day/7 days a week, the proposed facility's maintenance activities will be limited from 6 am to 10:30 pm, Monday through Saturday and closed on Sundays.

- 6) Comment: To limit hours of transportation of trash during hours of 7 am to 8:30 am and 2 pm to 3:30 pm as these are the drop-off and dismissal time for the local schools.

Response: Because the Project will not cause or result in any potentially significant localized traffic impacts, potential traffic impacts along or potential traffic impacts along roads serving schools would be less than significant.

- 7) Comment: Are all waste facilities held to these requirements? Such as 5 year permit review?

Response: Solid Waste facilities that are issued Full Solid Waste Facility Permits are inspected a minimum of once per month. Monthly inspections are random and conducted without prior notice to the facility operator pursuant to CCR Title 14 Section 18083. The random monthly inspections are conducted to ensure compliance with the terms and conditions of the issued SWFP and approved TPR pursuant to CCR Title 14 Section 17200 et seq. Every five years, the facility operating records are reviewed for compliance with state minimum standards pursuant to CCR Title 27 Section 21675¹.

- 8) Comment: Regarding the inspection process, after approval how often will it be and how will the results be monitored and reported to the community?

Response: Included in the Terms and Conditions of a Solid Waste Facility Permit the facility operator is required to submit monthly monitoring reports to the LEA no later than 15 days after the end of each month. Copies of all reports are available for review by any individual requesting to review them by contacting the LEA office. Additionally, electronic copies of inspection reports and other documents related to the facility can be viewed on-line at the CalRecycle website. Items included in the Monthly Monitoring Report include:

- a. Types and quantities of non-hazardous waste received

¹ The LEA's response states that the "facility operating records" are reviewed for compliance with state minimum standards (SMS). However, 27 CCR 21675 states that except as provided in 27 CCR 21680, "all full solid waste facilities permits shall be reviewed and if necessary modified or revised, from the date of last issuance at least once every five years." As part of the required Five-Year Permit Review (5YPR), the current solid waste facilities permit and conditioning documents, all RFI amendments since the last solid waste facilities permit review, the CEQA, and any other information in the record to identify changes is reviewed. The 5YPR is not only to review the operating records for compliance with SMS.

- b. Types and quantities of hazardous waste, medical waste, or otherwise prohibited waste found in the waste stream and the disposition of these wastes.
- c. Reports of special occurrences and the operator's actions taken to correct these occurrences
- d. The number of vehicles using the facility per day and per week
- e. Copies of all written complaints regarding the facility and the operator's actions taken to resolve the complaints
- f. Record of receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA within 24 hours following the receipt of a Notice of Violation or upon receipt of notification of complaints regarding the facility, which have been received by other agencies.

In addition to the comments listed above, the following comments were received by the LEA which relate to issues that are not under their authority, so a written response was not provided by the LEA:

1. Comment: Is it necessary to hurt the lives of the people in our community?
Note: Although the LEA did not specifically respond to this comment, it is explained in other responses that all the necessary environmental analysis has occurred, including the effect of DPM.
2. Comment: Pomona is already experiencing extremely high levels of pollution. Please do not add! Also, the next meeting should be at a school.
Note: In reference to the second part of the comment regarding the meeting location, the LEA provided justification for the meeting location in the responses to Comments 2 and 3 above.
3. Comment: These trucks are heavy. Imagine a kid accidentally kicking their ball into the street. Don't you think these trucks are dangerous?
4. Comment: This project is contributing to the F grade the American Lung Association gave us on the worst ozone pollution and particulate matter pollution. Director of CalEPA's DTSC taped Pomona area and was taken back by the number of violating facilities in less than a 3 mile radius. Also CalEPA's Arsenio Mataka taped the area and is relaying the information of Pomona's situation to Sacramento. LEA don't contribute to higher [*not legible*] rates.
5. Comment: The community has been against this facility since it was proposed. We do not want it. The neighborhood is already at the 98 percentile for waste management facilities. The station will take double the trash that Pomona produces. We are not a dumping ground for other city's trash. The model of accepting trash for cash does nothing to reduce pollution or encourage green practices or waste reduction.
6. Comment: (1) Valley Vista spent years making campaign contributions to our city officials before finally being approved. Has Valley Vista made any contributions to the campaign of any county officials, such as supervisors and the DA? (4) Why are presenters from the Health Department taking cues from the employees of Valley Vista? Aren't they supposed to do their own, independent investigation? (5) If you will be here inspecting the facility monthly, where have you been over the past year when we have had three industrial fires endangering the lives of our community members and our environmental health?

7. Comment: As mentioned, your agency's focus is on air quality and here is a link to one of the websites I have received my data from on the air quality in Pomona [commenter provides link to OEHHA maps]. The commenter also requests that "the permit for operations be denied for the transfer station and any future businesses until the pollution in Pomona has been significantly reduced, roads have been properly repaired, solid waste facilities that are already operating are held accountable for their responsibilities in creating a toxic unhealthy environment." The commenter also states that devaluing the City devalues the residents by treating Pomona as a dumping ground for other cities.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 16, 2015 and July 21, 2015. No comments have been received by Department staff.